

### REMARKS

The Examiner is supplied with a copy of a page of an Information Disclosure Statement filed September 28, 2001 and considered by the Examiner on March 17, 2003 (Attachment A). In the interest of an accurate and complete record, Applicant respectfully requests that the Examiner acknowledge consideration of the West et al. reference.

The disclosure is objected to because of informalities. The specification has been amended to overcome these objections.

Claims 1-5, 8-11, 14, 16-30, 33-43, 45-80 and 87-108 have been canceled.

New claims 120 and 121 are presented for prosecution.

Claims 6, 7, 12, 13, 15, 31, 32, 44, 81-86 and 109-121 remain pending in the application. Of these, claims 6, 12, 13, 15, 31 and 32 are re-presented and claims 7, 44, and 81-86 are currently amended.

Claims 7 and 82 are objected to because of informalities. Claims 7 and 82 have been amended to overcome these objections.

Claim 13, 84, and 86 are rejected under 37 U.S.C. §112, second paragraph. Claims 13, 84 and 86 have been amended to overcome this rejection.

Applicant is requested to check the dependency of claims 81 and 83-86. Claims 81 and 83-86 have been amended to depend only on claim 44.

The claims have been amended as follows:

1. Claim 6 has been amended to incorporate the subject matter of claims 1 and 6.
2. Claim 12 has been amended to incorporate the subject matter of claims 1 and 12.
3. Claim 13 has been amended to incorporate the subject matter of claims 1 and 13.
4. Claim 15 has been amended to incorporate the subject matter of claims 1 and 15.
5. Claim 31 has been amended to incorporate the subject matter of claims 1 and 31.
6. Claim 32 has been amended to incorporate the subject matter of claims 1 and 32.
7. Claim 44 has been amended to incorporate the subject matter of claims 44, 47, 50, 53, 56, 59, 62, 65, 68, 70, 73 and 76. Claims 81-86 depend from the amended claim 44.
8. New claim 120 incorporates the subject matter of claims 8 and 31.

9. New claim 121 incorporates the subject matter of claims 8 and 32.

Claim 6, 7, 12, 13, 15, 31, 32, 44 and 81-86 are rejected under the doctrine of obviousness-type double patenting of claims 1-75 of U.S. Patent No. 6,458,147 (the '147 Patent). A terminal disclaimer based on the '147 Patent is submitted herewith.

Claims 12, 13, 15, 44 and 83-86 are provisionally rejected under the doctrine of obviousness-type double patenting of claims 1-46 of Application Serial No. 09/780,014 (the '014 Application). As this is a provisional rejection, Applicant respectfully requests that any double patenting issues with respect to the '014 Application and the instant application be addressed upon issuance of one case and the indication of allowable subject matter in other case, but for the double patenting issue.

The Examiner indicates that claims 109-119 are allowed.

Reconsideration in view of the foregoing amendments and remarks and allowance of claims 6, 7, 12, 13 15, 31, 32, 44, 81-86 and 109-121 is respectfully requested.

Respectfully Submitted,

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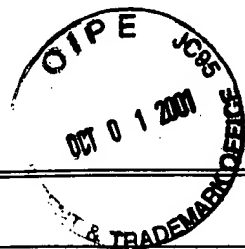
19 September, 2003

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Neomend/16102-A CIP 2/030919 Amend A

Enclosures: Amendment Transmittal Letter  
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LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)	ATTY DOCKET NO. 1849.16102-A CIP 2	SERIAL NO. 09/520,856
	APPLICANT Hnojewyj et al	
	FILING DATE 03/07/00	GROUP 1654 <del>3731</del>



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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
JRL	5,739,208	04/14/1998 <del>11/12/93</del>	Harris <del>TAB K</del>	525	54.1	SEP 26 2003
JRL	5,791,352	<del>11/18/1998</del>	Reich et al. <del>TAB I</del>	606	213	TECH CENTER 1600/2900
JRL	5,824,015	2/6/92 10/1998	Sawyer <del>TAB I</del>	606	214	
JRL	5,874,500	<del>12/18/96</del> 2/1999	Rhee et al <del>TAB G</del>	525	54.1	
JRL	5,900,461	<del>11/12/93</del> 5/1999	Harris <del>TAB K</del>	525	54.11	
JRL	5,932,462	<del>5/17/98</del> 8/1999	Harris et al <del>TAB K</del>	435	188	
JRL	5,936,035	<del>12/18/95</del> 8/1999	Rhee et al. <del>TAB G</del>	525	54.1	
JRL	5,942,209	<del>3/11/96</del> 8/1999	Leavitt et al <del>TAB I</del>	424	1.45	
JRL	5,986,043	<del>3/1/93</del> 11/1999	Hubbell et al <del>TAB J</del>	528	354	
JRL	5,990,237	11/1999 <del>5/20/98</del>	Bentley et al <del>TAB K</del>	525	54.2	
JRL	6,007,613	<del>12/28/99</del> 12/1999	Izoret <del>TAB I</del>	106	160.1	

### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
JRL	WO 00/33764	12/14/98	PCT TAB I			
JRL	WO 96/11671	10/12/94	PCT TAB I			
JRL	WO 97/22371	6/26/97	PCT TAB G			
JRL	WO 99/07417	8/6/97	PCT TAB I			
JRL	WO 99/14259	<del>9/12/97</del> 3/1999	PCT TAB K			

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

		Transactors: Society for Biomaterials: "Protoelytically Degradable Hydrogels": West et al (1997) TAB L

EXAMINER Jeffrey E. Russel	DATE CONSIDERED March 17, 2003
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.

Attachment A

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